

Application No.: 10/537,962  
Art Unit 2617

Attorney Docket No. 3673-0198PUS1  
Reply to Office Action dated August 13, 2008  
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## REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 8 and 10 are now present in this application. Claim 8 is independent.

By this Amendment, claims 1-7, 9 and 11 are canceled without prejudice or disclaimer, claim 8 is re-written to include the subject matter of claim 9, which is indicated to be allowable, and claim 10 is amended to depend from claim 8. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

### Rejection Under 35 U.S.C. § 102

Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,731,785 to Lemelson et al. (Lemelson). This rejection is respectfully traversed as moot because claims 1-3, 6 and 7 have been canceled without prejudice or disclaimer.

Accordingly, reconsideration and withdrawal of this rejection of claims 1-3, 6 and 7 are respectfully requested.

### Rejections under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson in view of U.S. Patent Application Publication 2003/0003866 to Overy. This rejection is respectfully traversed as moot because claim 4 has been canceled without prejudice or disclaimer.

Accordingly, reconsideration and withdrawal of this rejection of claim 4 are respectfully requested.

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Claim 5 stands rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of U.S. Patent 6,044,257 to Boling. This rejection is respectfully traversed as moot because claim 5 has been canceled without prejudice or disclaimer.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 8 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Lemelson in view of U.S. Patent 5,446,445 to Bloomfield. This rejection is respectfully traversed as moot with respect to claim 11, which has been canceled without prejudice or disclaimer.

Claim 8, as amended, includes the subject matter of claim 9, which is indicated as containing allowable subject matter. Accordingly, claim 8 patentably defines over the applied art.

Thus, the Office Action fails to make out a *prima facie* case of obviousness of the invention recited in claim 8, as amended. Reconsideration and withdrawal of this rejection is respectfully requested.

#### Allowable Subject Matter

The Examiner states that claims 9 and 10 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. As noted above, claim 8 has been amended to include the subject matter of claim 9, thereby making claim 8 allowable. Claim 10, which has been indicated as being allowable, has been amended to depend from claim 8.

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Additional Cited References

Because the remaining reference cited by the Examiner has not been utilized to reject the claims, but has merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46, 472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: OCT 20 2008

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

Paul C. Lewis

Reg. No.: 43,368

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703)205-8000

PCL/RJW:mmi:jmc